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IN THE

Supreme Court of the United States

OCTOBER TERM, 1929.

STATE OF WISCONSIN, STATE OF MINNESOTA, STATE OF OHIO and STATE OF PENNSYLVANIA, *Complainants,* *vs.* STATE OF ILLINOIS and SANITARY DISTRICT OF CHICAGO, *Defendants.* STATE OF MISSOURI, STATE OF KENTUCKY, STATE OF TENNESSEE, STATE OF LOUISIANA, STATE OF MISSISSIPPI and STATE OF ARKANSAS, *Intervening Defendants.*	No. 7, Original.
STATE OF MICHIGAN, *Complainant,* *vs.* STATE OF ILLINOIS and SANITARY DISTRICT OF CHICAGO, *Defendants.*	No. 11, Original.
STATE OF NEW YORK, *Complainant,* *vs.* STATE OF ILLINOIS and SANITARY DISTRICT OF CHICAGO, *Defendants.*	No. 12, Original.

NOTICE, MOTION AND SUGGESTIONS BY DEFENDANTS FOR REASSIGNMENT OF THE ABOVE CAUSES FOR HEARING FROM THE HEAD OF THE CALL FOR FEBRUARY 24, 1930, TO THE HEAD OF THE CALL FOR APRIL 7, 1930.

GUNTHORP-WARREN PRINTING COMPANY, CHICAGO.

IN THE

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NOTICE, MOTION AND SUGGESTIONS BY DEFENDANTS FOR REASSIGNMENT OF THE ABOVE CAUSES FOR HEARING FROM THE HEAD OF THE CALL FOR FEBRUARY 24, 1930, TO THE HEAD OF THE CALL FOR APRIL 7, 1930.

Notice.

To Honorable John W. Reynolds,
Attorney General of Wisconsin,
Honorable Herman L. Ekern,
Special Assistant Attorney General of Wisconsin,

Honorable Raymond T. Jackson,
Special Assistant Attorney General of Wisconsin,
Honorable Herbert H. Naujoks,
Assistant Attorney General of Wisconsin,
Honorable G. A. Youngquist,
Attorney General of Minnesota,
Honorable Gilbert Bettman,
Attorney General of Ohio,
Honorable Newton D. Baker,
Special Assistant Attorney General of Ohio,
Honorable Cyrus E. Wood,
Attorney General of Pennsylvania,
Honorable Thomas E. Taylor,
Deputy Attorney General of Pennsylvania,
Honorable Wilber M. Brucker,
Attorney General of Michigan,
Honorable Hamilton Ward,
Attorney General of New York,
Honorable Albert J. Danaher,
Assistant Attorney General of New York:

The defendants, the State of Illinois and The Sanitary District of Chicago, will on Monday, January 27, 1930, at the opening of Court, present to the Court the following motion, and ask that an order be entered by the Court as in said motion requested:

Motion.

The defendants, the State of Illinois and The Sanitary District of Chicago, hereby move that the order of January 6, 1930, providing that the respective parties may file on or before February 3, 1930, any exceptions or objections they may have to the "Report of the Special Master on Re-reference," filed herein on, to wit, December 17, 1929, and directing the Clerk, in the event exceptions are filed, to set the said cases for hearing

upon such exceptions at the head of the call for February 24, 1930, be amended in the following manner, to wit:

That said causes be reassigned and set for hearing upon any exceptions that may be filed by the respective parties hereto (on or before February 3, 1930), at the head of the call for April 7, 1930; and that counsel for the respective parties to said causes shall jointly prepare and file with the Clerk of the Court on or before twenty-five days following the said 3rd day of February, 1930, a condensation or joint abstract covering those portions of the record and evidence submitted and reported by the Special Master that may be required for the Court to appropriately consider any exceptions or objections filed by any or all the parties to said report of the Special Master on re-reference; and that thereupon, within twenty-five days after the said joint abstract or condensation of the record is filed with the Clerk of the Court, the respective parties may file with the Clerk of the Court their respective briefs, with proper proof of service of such briefs upon opposing counsel.

Suggestions.

In support of the foregoing motion, the said defendants suggest the following:

(1) The defendants propose, and defendants' counsel are advised that complainants propose, to file exceptions or objections to said Master's report within the time required by said order of January 6, 1930. Counsel are also advised that such exceptions will require reference to and examination of portions of the record or transcript of evidence, including exhibits filed with the Clerk and reported by the Master with his said report. The record is exceedingly voluminous and has not been

printed. In order that the Court may have in convenient form the portions of the evidence as disclosed by the record, necessary for it to appropriately dispose of such objections and exceptions, a condensation or joint abstract embracing such portions of the record as may be material to the consideration of such exceptions, must be prepared and filed by counsel for all parties. The time intervening between the date of filing the exceptions and the 24th of February when the case is set for hearing, is not sufficient for the preparation of such necessary joint abstract or condensation and for the printing of same by the Clerk.

(2) The said time does not permit preparation of briefs by counsel for complainants and defendants, and thereupon the exchange of briefs at a reasonable time before the date of hearing.

(3) The above motion for an order modifying the order of January 6, 1930, providing for the reassignment of the said causes for hearing to the later date, for the preparation of a condensation or joint abstract of the record and for the filing and exchange of briefs of the respective parties within the times therein stated, will permit the orderly preparation of the necessary record and briefs for the convenient consideration by the Court of the matters which may be raised by the various exceptions that may be filed.

(4) The reassignment of said causes will not effect any delay in the carrying out of the program outlined in the Master's report for the construction of sewage treatment or disposal works with all due and reasonable speed as provided by said Master's report, because The Sanitary District is proceeding and will proceed with the construction of said sewage disposal works with all the speed possible and with all the speed recommended by

said report. The reduction in diversion, asked by the complainants during the present year and recommended by the said Special Master's report, is provided for by the permit of the Secretary of War (pending the entry of a decree herein and to expire on the effective date of such decree), issued at the expiration date of the March 3, 1925, permit, to wit, December 31, 1929. Thus, all the reduction in diversion asked by the complainants during this year and recommended by the Master, will take place as provided by said Secretary of War permit of December 31, 1929, and complainants have not asked, nor does the said Special Master's report provide, for any further reduction in diversion for about two years after December 31, 1930.

Respectfully submitted,

OSCAR E. CARLSTROM,
Attorney General, The State of Illinois, Defendant.

WALTER E. BEEBE,
Attorney, The Sanitary District of Chicago, Defendant.

GEORGE F. BARRETT,
EDMUND D. ADCOCK,
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JAMES HAMILTON LEWIS,
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Of Counsel for Defendant, The Sanitary District of Chicago.

WILLIAM P. SIDLEY,
CORNELIUS LYNDE,
Representing The Association of Commerce of Chicago,
Of Counsel for Defendant, The Sanitary District of Chicago.